

Remarks

Entry of the amendments, reconsideration of the application, as amended, and allowance of all pending claims are respectfully requested. Claims 16-27, 29-32, 34-39 and 41-46 remain pending. **Applicants respectfully request that the Examiner consider the remarks presented herein in light of the newly cited art.**

With the above amendments, applicants have amended various of the independent claims to include the substance of dependent claim 28. This is not in acquiescence to any rejection, but in a bona fide attempt to further prosecution of this application. Further, for the same reasons, applicants have canceled claims 33, 40 and 47, without prejudice. No new matter is being presented, since the substance of the amendment was previously included in a dependent claim.

In the Office Action, dated November 29, 2004, claims 16-47 are rejected under 35 U.S.C. 103 as being unpatentable over U.S. Patent No. 5,979,773 to Findley, Jr. et al. in view of U.S. Patent No. 6,179,205 to Sloan; and claims 33, 40 and 47 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,147,205 to Sloan. Applicants respectfully, but most strenuously, traverse these rejections for the reasons below.

In one aspect, applicants' invention is directed to conditional suppression of card holder verification. As one example, card holder verification dialog is suppressed and card holder verification is performed hidden from the card holder, when a trusted environment is provided. However, if a trusted environment is not provided, then card holder verification proceeds with card holder intervention.

As one particular example, applicants claim a method of controlling card holder verification (independent claim 16). The method includes, for instance, checking the presence of a trusted association between at least one device and a card usable with the at least one device; suppressing, in response to the presence of the trusted association, involvement of a holder of the card in performing card holder verification; and performing, in response to the checking indicating no trusted association, card holder verification which comprises card holder intervention. Thus, in this aspect of applicants' claimed invention, a

conditional capability is provided for controlling card holder verification. That is, if a trusted association is present, then involvement of a holder of the card in performing card holder verification is suppressed. However, if the trusted association is not present, then card holder verification proceeds, but with card holder intervention. This is not taught or suggested by Sloan or Findley, either alone or in combination.

Findley describes the use of dual cards, in which one card is encoded with digital data fields representative of predetermined information and the second card includes authorization codes for enabling access to an authorized retrieval of selected information from the first card and for displaying the accessed data. Findley infers the presence of a trusted association from analyzing data fields stored in both cards. Findley, however, does not describe, teach or suggest, at the very least, applicants' claimed conditional suppression of card holder verification, in which if there is a trusted association, card holder intervention is suppressed, but if there is no trusted association, then card holder verification proceeds with card holder intervention.

In Findley, if there is no trusted association, then an error message is provided. Findley does not propose a card holder verification technique that handles the discovery of no trusted association. Findley does not describe the procedure being claimed by applicants in which:

If trusted association,
 Suppress involvement of card holder in card holder
 verification;
Else involve card holder in card holder verification.

This conditional processing is not taught in Findley. Instead, in Findley, if there is no trusted association, then an error is presented. Card holder verification ceases, instead of allowing card holder intervention, as claimed by applicants.

Support for the rejection of claim 28, the substance of which has been included in amended claim 16, is indicated at Col. 4, lines 39-46. However, applicants respectfully disagree that there is a teaching at that location or elsewhere in Findley of conditionally performing card holder verification in which if there is a trusted association, intervention of the card holder is suppressed, but if there is no trusted association, then card holder

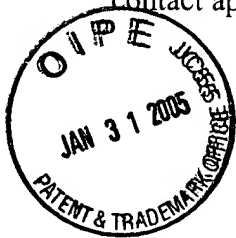
intervention is used. The language at Col. 4 merely indicates that access cards may have pin protection. It indicates that the card is unusable until the correct pin is entered. However, there is no discussion that if there is no trusted association between the cards, then you can continue by having user intervention. In this case, even if a pin is entered and there is no trusted association between the dual cards, an error message is provided and processing is ceased. Again, there is no description, teaching or suggestion in Findley of suppressing intervention, when there is a trusted association, but using intervention, when there is no trusted association. For at least these reasons, applicants respectfully submit that Findley does not teach or suggest one or more aspects of applicants' claimed invention.

Moreover, Sloan does not overcome the deficiencies of Findley. Similar to Findley, Sloan fails to describe, teach or suggest a conditional card holder verification procedure in which intervention is suppressed, if there is a presence of a trusted association, but intervention is used, if such a trusted association does not exist. That is, there is no description, teaching or suggestion in Sloan of suppressing involvement of a card holder in performing card holder verification in the event there is a trusted association, and if there is no trusted association, going forward with card holder verification, but requiring card holder intervention. There is no such procedure described in Sloan. Instead, in Sloan, the card simply would not be authenticated. Thus, applicants respectfully submit that Sloan does not describe, teach or suggest one or more aspects of applicants' claimed invention.

Since both Findley and Sloan fail to describe, teach or suggest the conditional aspect of applicants' claimed invention in which involvement of the card holder in performing card holder verification is suppressed, if a trusted association is present or card holder intervention is used in the card holder verification, if there is no trusted association, applicants respectfully submit that the combination of Findley and Sloan fails to teach or suggest one or more aspects of the present invention.

Based on the foregoing, applicants respectfully request an indication of allowability for the independent claims. The dependent claims are allowable for the same reasons as the independent claims, as well as for their own additional features.

Should the Examiner wish to discuss this case with applicants' attorney, please
contact applicants' attorney at the below listed number.



Respectfully submitted,

Blanche E. Schiller

Blanche E. Schiller

Attorney for Applicants

Registration No.: 35,670

Dated: January 21, 2005.

HESLIN ROTHENBERG FARLEY & MESITI P.C.

5 Columbia Circle

Albany, New York 12203-5160

Telephone: (518) 452-5600

Facsimile: (518) 452-5579